IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1731 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GG RAJPUT,COOPERATIVE OFFICER & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR AM RAVAL for Petitioner(s) : 1 - 2.
Ms. Maithily Mehta, Asst.GOVERNMENT PLEADER for Respondent(s) : 1, 3,
RULE SERVED for Respondent(s) : 2, 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 16/11/2006

ORAL JUDGMENT

By way of this petition under Article under Article 226 of the Constitution of India, the petitioners, who were at the relevant time transferred/allocated to the Office of

Commissioner, Cottage Industries, as Cooperative Officers, have prayed for an appropriate writ, direction or order quashing and setting aside the order dated 21.2.1997 by which in place of the petitioner, respondent No.3 was appointed and the petitioner was transferred to Mehsana. It is the contention on behalf of the petitioner that respondent No.3 was not having requisite qualification and at the instance of the then Chief Minister the impugned order came to be passed only with a view to favour the respondent No.3.

2. That by order dated 28.2.1997, while admitting the present Special Civil Application the learned Single Judge of this Court granted interim order/injunction directing the respondents to stay and suspend further implementation and operation of the impugned order dated 21.2.1997.

3. Today, when the matter is called out, Ms. Maithily Mehta, learned Assistant Government Pleader has submitted on instruction from the department that after the interim order the respondent No.2 appointed the respondent No.3 as Librarian for one year only and the impugned order dated 21.2.1997 was not given effect to. It is further submitted by her that by order dated 25.2.1997 the petitioner was appointed as Head Clerk at Mehsana, however, subsequently after the interim order the petitioner was again transferred as 'Head-Clerk' to the Head Office, of Cottage Industries at Gandhinagar. It is further submitted that after completion of one year as 'Librarian', the said respondent No.3 must have been repatriated and/or transferred elsewhere. In view of the above, the present Special Civil Application has become infructuous and the grievance of the petitioner is redressed. However, to be on safer side and to avoid any further complication the interim order passed by

this Court dated 28.2.1997 is confirmed as final order. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

RMR.